

**DRAFT MINUTES --- THESE MINUTES ARE NOT APPROVED AND THE WORDING COULD  
CHANGE UPON APPROVAL**

**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION OF SAN LUIS OBISPO COUNTY**

Thursday, November 16, 2004

**PRESENT:** Commissioners Wayne Cooper, Doreen Liberto-Blanck, Sandra Nielsen, Bob Roos,  
Chairman Eugene Mehlschau

**ABSENT:** None

**STAFF:** Warren Hoag, Division Manager, Current Planning  
Matt Janssen, Supervising Planner  
Chuck Stevenson, Supervising Planner  
Stephanie Fuhs, Planner

**OTHERS:** Richard Marshall, Public Works  
Jim Orton, County Counsel

Meeting is called to order by Chairman Mehlschau.

Roll Call

Flag Salute

Public Comment Period:

Eric Greening: Topic is coordination with Council of Governments. States it is the main transportation agency for the county, and is involved in housing targets. Final adoption in April 2005 is planned for Regional Transportation Plan Update. Asks whether Planning Commission should comment on Chapter 3, even though this body does not usually advise COG. Further, should a study session take place by COG to inform this Commission. States the Commission should contact COG.

Planning Staff Updates

Warren Hoag, staff, states Board of Supervisors adopted the Estero Area Plan Update, which will now go through the Coastal Commission hearing process before being adopted. States the Regional Transportation Plan that COG prepares is worked on by Planning and by Public Works, who review the parts relevant to the general plan. Those comments are usually at the staff level. States in the past, the Commission has not reviewed.

Chuck Stevenson, staff, states a study session can be provided on this topic.

Warren Hoag, staff, states the department will review and make suggestions at a future meeting. States that the Planning Commission does not implement the Regional Transportation Plan. The Circulation Element, grant approvals, among others, implement the RTP. Offers to schedule a study session.

Commissioners request information about the status of some appeals, with staff responding, and further reviewing recent Board of Supervisors decisions.

Commissioners discuss December 23<sup>rd</sup> and whether a meeting should take place at that time.

County Counsel states the Commission can provide direction to staff at this time.

Consensus to have no meeting December 23, 2004.

Commissioner Roos states he and Chairman Mehlschau attended the Planning Commissioners Conference in Pleasanton November 11-14, 2004. Comments on density in that area, with 80 units per acre being zoned in one area he observed. Chairman Mehlschau comments regarding conference.

CONSENT AGENDA. Commissioner Roos pulls Item d.

Public Testimony on Consent Agenda.

Peter Chaldecott, Cambria Community Services District, Applicant. Speaks to Consent Agenda Item e. Discusses replacement of two water distribution tanks. States it was necessary because of the need for water to fight fires. Requests this item not be continued, because the need is great, and presently they cannot move forward. Requests approval today.

9:08 a.m. FTR BREAKS DOWN. Clerk inserts a cassette tape into the old audio system tape recorder. Approximately 3 minutes has elapsed. For the next approximately 20 to 30 minutes, the cassette tape contains the meeting audio. During this time, it is determined a hardware failure has taken place. The hardware is replaced, and ultimately, the meeting is returned to FTR audio recording.

Tammy Rudoch, Cambria Community Services District. Speaks to Consent Agenda Item e. Thanks Commission, states the CSD were unclear what action the Planning Commission can take. States this project is vital to the community. States planning staff have assisted.

Bob Gresens, Cambria CSD. Speaks to Consent Agenda Item e. States the current project requires an emergency permit. Explains background of Pine Knolls Tank project. **9:12 Begin tape record.** Displays a PowerPoint, including current design.

Commissioners request information about the development plan mentioned by Mr. Gresens.

Matt Janssen, staff, states CCSD filed a development plan. Tentatively it will be heard January 13, 2005.

Commissioners discuss emergency procedures and permit.

Jim Orton, County Counsel, states a public lot determination must be made. States the CCSD should file both applications at the same time, so both issues can be addressed.

The matter is discussed.

Ilan Funke-Bilu. Speaks to Consent Agenda Item e. States he has lived in the county over 20 years. States something must be done quickly, to prevent loss of homes and forest. States the county acted correctly in issuing the emergency permit. States the Coastal Commission erred in holding it up. Reiterates the importance of saving homes and trees from fire. States the issue is an emotional one.

Eric Greening. Speaks to Consent Agenda Item e. Recalls the previous time this came before the Planning Commission. Wonders whether there is or was an alternative before the Cambria Community Services District that would impact an environmentally sensitive area less than this, stating that is the Coastal Commission's position. States decisions made under "color of emergency" have lasting impact, and cites U. S. income taxes as an example. Long-term effects must be evaluated. Alternatives that have fewer impacts must be favored.

Pam Heatherington, Executive Director, Environmental Center, speaks to environmental issues.

A motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck is discussed. Commissioner Liberto-Blanck states corrections have been made to minutes, with secretary confirming. Motion maker and second amend their motion and, thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to approve the Consent Agenda as amended, less Item "d.", as follows:

#### CONSENT AGENDA:

- a. Planning Commission Minutes – March 25, 2004
- b. Planning Commission Minutes – August 26, 2004
- c. Planning Commission Minutes – September 23, 2004
- e. **EMERGENCY PERMITS.** The following emergency permits have been issued by the Planning Director. This is a report to the Planning Commission as required by Section 22.62.080(8) and Section 23.03.045(8) and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File. The decision to issue an emergency permit is solely at the discretion of the Planning Director, although subsequent permits required for the project are subject to all applicable hearing requirements as specified in Titles 22 or 23. Receive and File.
- f. Continued from October 28, 2004. Emergency Permit (**County file number ZON2004-00225**) to Cambria Community Services District for the removal of two existing 103,000 gallon water tanks, the construction of two new 550,000 gallon water tanks, and the relocation of an existing electrical control panel with overhead electric service. This project will include the removal of 27 pine and 34 oak trees. This project is located in the coastal zone, at the terminus of Manor Way (988 Manor Way), in the Pine Knolls residential neighborhood at APN 013,301,018 and a portion of APN 013,111,005 in the community of Cambria, in the North Coast planning area. Supervisorial District # 2. DATE PERMIT FILED: October 1, 2004. DATE OF EMERGENCY PERMIT ISSUANCE: October 8, 2004. Receive and File.
- g. Request by **County of San Luis Obispo** for a determination of conformity with the General Plan for the purchase of 2 parcels for the development of the future Cambria Library. The project is located on Cornwall Street, 60 feet west of the intersection with Hillcrest Street. Land Use Category: Commercial Retail. APN's: 022-123-003 and -022, in the North Coast Planning Area. County File No.: n/a. Josh LeBombard, Planner. Supervisorial District #2. (Receive and file)

#### HEARINGS.

1. This being the time set for hearing to consider proposal by Mae Munk/Jim McGillis for a Vesting Tentative Tract Map to subdivide an existing approximately four acre parcel into nine parcels of between 6,876 square feet and 1.25 acres each in the Residential Single Family Land Use Category. The property is located in the county at 187 South Oak Glenn Avenue, approximately 400 feet south of the Oak Glenn/Tefft Street intersection, APN: 090-161-006, in the South County (Inland) Planning Area. Also to be considered at the hearing will be reliance on the previously adopted Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources. County File Number: TRACT 2516 / sub2004-00020. Date application accepted: August 4, 2004. Supervisorial District #4.

Stephanie Fuhs, staff, gives the staff report. Gives condition changes required.

Commissioners ask questions of staff, with staff responding.

Jim McGillis, Applicant. States the subdivision was built about 10 years ago, to the standards at the time. It has curb and gutter, and sidewalk next to curb and gutter. The Parks and Trails committee asked that a detached trail be built. Now there are separations in design. Refers to Condition 6.g. States Parks wishes one thing while Engineering wishes another. Requests clarification. States his preference of design.

Commissioners discuss the project. Richard Marshall, Public Works, states he responds to Mr. McGillis' request, stating a trail to an A-1(x) standard shall be separated from the road by a distance of 10 feet. States his feeling there is no conflict, but additional language can be added to clarify further. Reads clarifying language to Condition 2.b. into record.

The matter is fully discussed, and thereafter, on motion by Chairman Mehlschau, seconded by Commissioner Cooper, and unanimously carried, to rely on the previously approved Environmental Impact Report, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-086** granting a Vesting Tentative Tract Map to Mae Munk/Jim McGillis for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B with the following changes: To Condition 2(b), add the following: "Improvement shall include a detached trail per A-1(x) standard which may be located outside the existing sidewalk."; add subparagraph 3(c) to read: "c. Drainage easement for the storm drain to Nipomo Creek."; replace Condition 10 with the following new Condition 10: "10. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall: a. Submit a copy of all such permits to the Department of Public Works OR b. Document that the regulatory agencies have determined that said permit is no longer required."; Condition 18.c., insert "November 3, 2004" following "dated" in line 2; and add Condition 22. as follows: "22. **Prior to recordation of the final map**, the applicant shall destroy the existing abandoned well on parcel 7 or install a backflow prevention device at the meter, in accordance with Environmental Health Department policies."; and subject to Standard Conditions of Approval for Subdivisions Using Community Water and Sewer, adopted.

2. This being the time set for hearing to consider proposal by NIPOMO SELF-STORAGE for a Conditional Use Permit to allow conversion of approximately 50,000 square feet of existing outdoor storage area to approximately 24,000 square feet of self storage units. There will be 106 new storage units ranging in size from 8 feet by 10 feet to 12 feet by 35 feet in the Commercial Service Land Use Category. The property is located in the county at 542 Linden Lane, approximately 200 feet west of North Frontage Road, north of Camino Caballo, in the community of Nipomo, APN: 091-327-074, in the South County (Inland) Planning Area. A Negative Declaration was issued on November 28, 1997 for the prior project. An addendum was prepared for the proposed project based on the determination of no new significant environmental impacts. County File Number: DRC2003-00069. Date application accepted: August 24, 2004.

Stephanie Fuhs, staff, gives the staff report.

Commissioners ask clarifying questions.

Mark Vasquez, Agent. States they have no problems with the staff report, but can answer questions.

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Eugene Garnsey. Requests information about whether the landscaping will be maintained. States he would like to see the site plan displayed again, with staff displaying same overhead. Speaker requests input regarding design, with Mark Vasquez responding.

Mark Vasquez, Agent. States he has nothing further to add.

Commissioners ask questions about the block wall height, with Mr. Vasquez responding it is very close to six feet. It will be the back wall of the building, and some RV's will be visible from the other side of the wall. Staff displays the elevations showing rooftops of RV's behind it. The wall will not be taller than 6 feet, but the building that will be immediately beside it will be 18 inches above the wall at the highest. Mr. Vasquez states there will be landscaping on the wall for camouflage.

The matter is fully discussed, and thereafter, on motion by Chairman Mehlschau, seconded by Commissioner Nielsen, and unanimously carried, to rely on the Negative Declaration Addendum that was prepared on September 27, 2004, in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-087** granting a Conditional Use Permit to NIPOMO SELF STORAGE for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 4, the second sentence shall end following "after final building inspection."; delete "and thereafter" following final building inspection"; and insert a new third sentence to read: "If installed or bonded for, the landscaping shall be maintained in a viable condition in perpetuity."; and in Condition 17, insert "November 1, 2004" in place of "(still waiting on fire safety plan)" at the end of the second sentence, adopted.

3. This being the time set for hearing to consider proposal by JAMES JURKA for a Minor Use Permit to allow an existing commercial aviary housing between 21 and 800 birds. The proposed project is within the Residential Rural Land Use Category. The property is located in the county at 388 Ormonde Road, on the northwestern corner of Ormonde and Noyes Road, approximately 2 miles north of the City of Arroyo Grande. APN: 044-371-055, in the San Luis Bay (Inland) Planning Area. This project is exempt under CEQA. County File Number: DRC2003-00110. Date application accepted: project never accepted for processing. Supervisorial District #4.

Chuck Stevenson, staff, states the applicant's attorney could not make this meeting, and so a continuance is being requested. States there are members of the public present to speak today. This is an enforcement matter, and there are noise issues. Requests continuance to December 9, 2004.

Stephanie Fuhs, staff, states the project is for an existing, non-permitted aviary. Describes the Minor Use Permit applied for, and site visit. States staff recommends denial of the project because information could not be obtained for approval due to the conditions existing at the site. Responds to Commission that it is unclear whether the project could be approved were the site accessible, stating it is not possible to know the number of birds or determine other facts, and that the purpose of keeping the birds appears to be commercial.

Dave Quesada, nearby resident. States the noise of parrots at 3:00 a.m. wakes him, as does the noise of other kinds of birds. A coyote problem exists in the area because of the birds. Dogs in the neighborhood become noisy when the birds begin making noise. Apart from the noise of the birds that leads to other animals being noisy, the area is peaceful. States it is difficult to get a good night's sleep and he works regularly. States there is also a parking problem created by the workers of the aviary, as well as by delivery vehicles. Urges denial.

Leo Bunting, neighbor. States he has lived there 3 years and noise is 24 hours a day seven days a week. At times it is overwhelming, and at times dies down to a dull roar. States visitors to his home often ask what the noise is. States the smell when the wind changes direction is worse than from a pig farm and describes it as putrid and smelling like a dead body. States it happens during Santa Ana winds, and

after a rain. States he does not know the species of bird being kept. Describes the kind of noise he hears from the aviary.

James Hunt, neighbor. Describes his location. States living near the aviary is like "taking the Disneyland Jungle Cruise twenty-four seven." States he has lived there 15 years, and it was peaceful until the current residents moved in. Now the noise is all the time, and when the wind shifts, there is a bad smell. States there is a barn on the corner, and it appears people are living in it.

Commissioners ask clarifying questions, with Mr. Hunt responding.

Stephanie Fuhs, staff, states a business license for a kennel was issued in 1994.

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Cooper, and unanimously carried, to continue the above referenced item to December 9, 2004.

4. This being the time set for hearing to consider proposal by Pacific Tank and Construction/Paso Pacific Properties, for a Conditional Use Permit to allow a tank assembly, fabrication and installation business on an approximate 1.8-acre portion of a 10-acre property in the Commercial Service Land Use Category. The property is located in the county on 17995 Highway 46 East; on the west side of Highway 46 East 2.6 miles north of the intersection of Highway 41/46 East, APN: 017-131-039, in the Shandon-Carrizo Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Aesthetics; Biological Resource; Hazards/Hazardous Material; Public Service/Utilities; Transportation/Circulation; and Water. County File Number: DRC2003-00094. Date application accepted: June 10, 2004. Supervisorial District #1.

Jim Lopes, staff, gives the staff report. Reminds Commissioners they looked at the general plan amendment for this project. Gives results of the Board of Supervisors hearing. Describes location of the project. Displays maps and photographs. Describes mitigation measures of the Negative Declaration. Describes issues raised by public comments. Recommends adoption of the negative declaration and approval of the project.

Commissioners ask clarifying questions of staff, with staff responding.

Scott Milner, County Environmental Health. Describes the Phase 2 studies done on the site. Soil borings were taken.

Commissioners ask clarifying questions of Mr. Milner, with Mr. Milner responding.

Rusty Pauls, Pacific Tank & Construction, Applicant. States they have recently received approval of a general plan amendment for this project. States Shandon area residents are in support of the project. States the conditions of approval are agreed to, except for Condition 11.

Gordon Hensley, Environment in the Public Interest. Requests denial of the Conditional Use Permit, stating additional environmental review should be done. States the initial study overlooked significant potential impacts. States he has submitted public records requests to the county. States the materials used by the county to look at hydrocarbons were inadequate. Refers to inadequacy of soil borings. States the mitigations proposed will not reduce impacts to less than significant. States documents provided by staff fail to establish the adequacy of mitigation measures proposed. Urges denial of the project, or if the Commission cannot deny, then requests continuance.

Commissioners ask clarifying questions of Mr. Hensley, with Mr. Hensley responding.

Randy Diffenbaugh, Shandon Advisory Committee. States from a layman's perspective, he does not understand why this has not previously been a concern until this proposal came up. From a community member's perspective, the site has been cleaned up and is in better condition now than ever. This project will not raise any new problems. This use is definitely an improvement over what was there, which was of no concern to anyone since 1986.

Eric Greening, expresses questions about pollution from lead based paints, and whether sanding or paint removal was done prior to repainting, or was the paint left intact before repainting.

Rusty Pauls, for Applicant. States he has been in construction with leaded paints. States he took several samples, and nothing was found. States there has been overwhelming support in Shandon. States they will be working with the high school ROP program, and have hired from the community. States the before and after photographs speak for themselves.

Commissioners ask clarifying questions, with Mr. Pauls responding.

Commissioners ask clarifying questions of staff, with staff responding.

Commissioners request further information regarding soils investigation on the site, with staff responding.

Scott Milner of Public Health Department responding to Commissioner questions.

Rusty Pauls, for Applicant, makes clarifying remarks regarding the soils found on the site.

Discussion takes place among Commissioners, staff and applicant regarding statements in Hensley letter.

A motion by Commissioner Liberto-Blanck, seconded by Commissioner Nielsen, is discussed. Motion maker and second do not amend their motion, and thereafter, motion by Commissioner Liberto-Blanck, seconded by Commissioner Nielsen, to continue the matter to December 9, 2004 fails on vote of two ayes, three noes.

The matter is fully discussed, and thereafter, on motion by Commissioner Roos, seconded by Commissioner Cooper, and carried, with Commissioners Liberto-Blanck and Nielsen voting no, to adopt the Revised Mitigated Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-088** granting a Conditional Use Permit to PACIFIC TANK AND CONSTRUCTION / PASO PACIFIC PROPERTIES for the above referenced project, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with conditions following Fire Safety Condition #19 to be renumbered sequentially, and with the addition of new Condition 33, to read as follows: "33. In the event the building remodeling or other construction is going to occur on the existing shop building, the applicant shall have prepared a professional analysis of lead-based paint and asbestos with proper disposition and will report to the Department of Planning and Building before work commences.", adopted.

5. This being the time set for hearing to consider proposal by **C3J, LP / Clyde and Joan Schlund** for an Ordinance Amendment to amend the Land Use Ordinance, Section 22.104.040.C.6 to remove a 10-acre minimum parcel size restriction on an approximate 43-acre property within the Residential Rural Land Use Category. The site is located in the county on the north side of Vineyard Drive approximately 2,000 feet west of Bethel Road, adjacent to the Templeton Urban Reserve Line, APN: 040-271-038, -039, -040 and -041, in the Salinas River Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

Mitigation measures identified for: Aesthetics; Air Quality; Biological Resource; Cultural Resources; Geology & Soils; Noise; Circulation; Public Service/Utilities; Recreation; Wastewater; Water. County File Number: **G030014W**. Date application accepted: June 8, 2004. Supervisorial District # 1. James Lopes, Project Manager.

Commissioner Roos requests continuance.

Jim Lopes, staff, addresses the reasons why Commissioner Roos so requests, stating the Templeton Area Advisory Group were unable to review and comment on this proposal. Suggests continuance to November 30, 2004.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to continue the above referenced item to November 30, 2004.

6. This being the time set for hearing to consider a request by County of San Luis Obispo to amend Section 22.30.470C, 22.104.040C and 22.104.040D of the Land Use Ordinance, Title 22 of the County Code, to allow for the establishment of secondary dwellings in the Almira Park area and the South Atascadero area where secondary dwellings are currently not allowed. The Almira Park area is located west of Highway 101, bounded by Kiler Canyon Road to the north and Vine Street to the east, immediately southwest of the City of Paso Robles. The South Atascadero area is located east of Highway 101, bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero. The areas are in the Salinas River Planning Area.. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Air Quality, Biological, Cultural, Noise, Population and Housing, Transportation/Circulation, and Water Resources and are included as proposed planning area standards. County File No. G020002L.

Kami Griffin, staff, gives the report. Board authorization occurred in July 2002, since that time the state passed a law that doesn't allow local governments to require a land use permit. States that existing standards for secondary dwellings, such as distance from primary dwelling, require a minor use permit if modifications are required. However, if no modifications are required then only a building permit can be required. Today, standards for secondary dwellings will be considered to allow the use in two areas of the county where they are currently not allowed.

John Nall discusses CEQA guidelines and the "request for review of the Negative Declaration" that was requested by Ms. Barrett. Existing primary dwellings will not have to comply with standards being proposed today. Speaks to outdoor lighting.

Andy Munsinger, Air Pollution Control District. Back yard burning is requested to be restricted in this area.

Commissioners request further information regarding air quality fees, with staff responding.

Aeron Arlin-Genet, Air Pollution Control District, states this project is unusual. However, there are examples of cases where fees are collected. These are then held in a trust to be distributed in the same area when adequate funds are available.



John Nall continues to address issues raised in request for review from Ms. Barrett, including wetlands impact, drainage, noise levels, and growth inducement. States this amendment does not allow further subdivision, nor would it allow more growth than in other Residential Suburban areas. As far as traffic increases, Public Works reviewed this issue and determined there would not be significantly more traffic as a result of allowing secondary dwellings. Staff requests Public Works comment.

Richard Marshall, Public Works, states that projects inside the City of Atascadero are not well known to him. Declines to comment.

John Nall, staff, responding to a comment from Commissioner Nielsen, confirms that less than 50% of lots will construct of secondary dwellings.

Commissioners discuss and request clarification, with staff responding. The secondary dwellings will be complete homes with kitchens, different from the guesthouses that are currently allowed in the area that do not have kitchens.

John Nall, staff, continues to address the request for review from Ms. Barrett, including wastewater, additional wells in the area, new service required for new secondary dwellings, minimum parcel sizes.

Richard Marshall, Public Works. States large projects within the City have done their own environmental determinations. States they would be required to identify significant impacts and construct roads to standards. Considering this project and others cumulatively it is assumed nothing greater would be required. However, projects within the City Limits are not well known.

Commissioners discuss density, traffic, and other issues. Comparison is requested to previous projects, with Public Works responding. Commissioners further discuss the various issues raised by Ms. Barrett, staff, and raise other issues, with Mr. Nall and Ms. Griffin responding. Discussion continues regarding water, water service, with a comment that all parcels in the Almira Park area are served by wells.

Christina Aguirre, neighbor, states she represents others in her neighborhood who share the same concerns who could not be present today. Wonders why county wishes to change the area where people purchased small ranchettes. Only six weeks ago they were notified this project would be requested. The secondary dwellings proposed today will significantly impact the neighborhood, doubling density. Well interference with septic systems, water shortages could result, one-third of those in her neighborhood have wells. Lots are being divided using the TDC program and if these lots have secondary dwellings this will change the lifestyle of the neighborhood. Erosion is presently a problem and will continue to be. Lists problems with water that could result. Proposes the project be continued to give agencies and residents more opportunity to comment. States an EIR should be required.

Eric Greening. States he agrees with the previous speaker, especially the request for more time. Santa Margarita Advisory Committee has a meeting scheduled for January 11, 2005 and this project should be reviewed at that meeting. States the impacts will be cumulative, and density will increase. The effects of total build-out must be considered. Discusses a fair argument being made regarding impacts. States stacking and other congestion is not considered in the report. Refers to Santa Margarita Ranch and requirements for that project. Water quality is a concern, with babies being the most sensitive, and an increased incidence of "blue baby" possible due to nitrates in the water. Discusses soil issues, cumulative traffic impacts. Urges continuance of this project.

Commissioners discuss traffic concerns around Dove Creek, with Mr. Greening responding.

Delores Simons. States drainage in the area is very poor. People are on wells, and problems with septic tanks can result. Requests postponement of the project.

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Tina Salter. Urges postponement of decision. States the Santa Margarita Advisory Council did not have a planner present at the last meeting, and so there was no expertise from which questions could be answered. Discussion was not agendized. States TDC's are being employed presently, and there will be cumulative effects. States Santa Barbara Road and El Camino Real will have a signal that the city will install. States the water company had concerns about service. States the City of Atascadero and the County of San Luis Obispo should be communicating about this project.

Richard Reyes. States approval of this amendment will bring provide the same rights to everyone. States he supports this amendment.

Andy Munsinger, APCD. Refers to RS zoning, stating it is uncommon beyond URL's. It allows minimum parcels sizes down to 1 acre. Air quality impacts are significant. Modeling used conservative estimates. This proposal is not precedent setting. Addresses toxic impacts from the Woodridge project and those mitigation measures. The proposed mitigations for this project will bring the impacts down to insignificance.

Commissioners question Mr. Munsinger regarding air pollution fees and how those were determined, with Mr. Munsinger responding. Both state and local control measures are in place and affect levels of pollution.

Anthony Aguirre. Reads letter from Della Barrett. Letter addresses the following issues: timing, mitigated negative declaration/notice of determination, cumulative impacts. Letter writer requests an EIR be ordered, project approval be delayed.

John Nall, describes desires of Ms. Barrett, as stated in her letter. These are requirement for an EIR, and consideration of South Atascadero separate from Almira Park.

Chairman Mehlschau, reads letter submitted into the record. Writer believes this project will negatively impact the area for several reasons. Writer urges Commission deny the project.

A motion by Commissioner Roos to separate the Almira Park area from the South Atascadero area is discussed. Motion maker and second do not amend their motion, and thereafter, on motion by Commissioner Roos, seconded by Commissioner Nielsen, and carried, with Commissioner Liberto-Blanck voting No, to separate the proposed request into two separate recommendations, with findings to remain the same, the negative declaration to be applied to both.

Ms Griffin, staff reads into the record change to (10) on pg. 6-6.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Cooper, and carried, with Commissioner Liberto-Blanck voting No, to recommend to the Board of Supervisors adoption of the negative declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and adoption of the Land Use Ordinance for Almira Park, based on amendments proposed by staff, with the following changes: Paragraph 5.a.(3) shall be changed as follows: heading shall read: "**Tree Protection/Vegetation Removal**", and paragraph 5.a.(10) shall be changed as follows: in line 2, delete "that appropriate fees have been paid to the Air Pollution Control District and" and in line 3 delete "district" and replace with "Air Pollution Control District", approved.

Thereafter, on motion by Commissioner Cooper, seconded by Commissioner Roos and carried unanimously, to continue the South Atascadero Amendments to March 10, 2005.

#7. This being the time set for continued hearing to consider a request by **Dr John Devincenzo (G950006M)** to amend the County's Land Use Element (San Luis Bay Coastal Area Plan) by

changing the land use category from Rural Lands to Recreation on a 33 acre site (APN: 076-231-058) to allow hotels/motels as a special use in the Recreation category. Planning area standards will be added to the San Luis Bay (Coastal) Area Plan to define allowable uses, provide for open space dedication and to require Development Plan approval for proposed hotels/motels. The subject site is located on the south side of Avila Beach Drive approximately 500 feet west of the intersection of Avila Beach Drive and Ontario Road and approximately 1800 feet west of U.S. Highway 101 approximately 2 miles east of the community of Avila Beach. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: geologic hazards; drainage, erosion and sedimentation; water supply; wastewater disposal; biological resources; cultural resources; visual resources; traffic and circulation; and air quality. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were not determined necessary based on significant and unavoidable impacts. Supervisorial District 3.

Chairman Mehlschau states only the final Findings will be considered today. Public testimony has already been taken at the previous meeting.

James Caruso, staff, gives the report, stating that some changes are being recommended. First, change to size of the Recreation zoned area, now is 16.8 acres. Iterates other changes. States a letter was received from (National Oceanic and Atmospheric Administration (NOAA). Speaks to the number of on-site employee housing units required.

John Wallace, Agent. States applicant agrees with staff report and changes. Requests other changes, as set forth in letter dated November 12, 2004, submitted into the record. Requests the Commission accept the modifications suggested today, and recommend approval.

Commissioner Liberto-Blanck requests clarification from county counsel whether including in the statement of overriding considerations a statement that grading will be done on slopes greater than 30% will be tantamount to approving a variance today.

Jim Orton, County Counsel. States staff correctly answered when the question was posed to him and he said he did not read that conclusion from the suggested wording.

Staff agrees, and Commissioners agree, that "will" should be changed to "may" in paragraph g. of the November 12, 2004 letter from Wallace & Associates. Also, a statement should be added to the end as follows: "subject to subsequent variance approval."

Michael Winn, Nipomo. Discusses the future variance.

John Wallace, Agent. Requests a recommendation of approval, and requests changes proposed by Wallace Group be included.

The matter is fully discussed, and thereafter, on motion by Commissioner Nielsen, seconded by Commissioner Cooper, and unanimously carried, to recommend to the Board of Supervisors to certify the Final Environmental Impact Report, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2004-089** recommending to the Board of Supervisors approval of the Proposed Planning Area Standards as shown in G950006M:B, based on the Findings in the report, with the following modifications: in Exhibit A, change the area to be redesignated from 14.1 to 16.5 acres; modify the standards in Exhibit G950006M:B as follows: in subparagraph 11.c., delete "on site" in the second sentence, and delete "A

maximum of 15 AFY of" from the beginning of the second sentence; in subparagraph 11.d.(3) delete "using species endemic to the area" from the first sentence; in Exhibit C, paragraph V.D.2.1., delete "including, but not limited to, provision of a letter from an appropriate governmental entity stating its intent to assume responsibility for the on-site wastewater treatment system, as required by Resolution No. 69.1."; in Exhibit C, paragraph V.G.2.1., delete "and on slopes less than 20%, and with minimal use of cut and fill."; in Exhibit C, paragraph VII.B., add the following at the end: "While not approving an adjustment or variance at this time, the Planning Commission finds and acknowledges that an adjustment(s) or variance may be necessary to implement a development plan that is consistent with the General Plan amendment. Specifically, implementation of a development plan that is consistent with the General Plan amendment may require grading on slopes greater than 30%, modification of required wetlands setbacks, and modification of parking requirements and height limitations in order to accommodate the development plan on 16.8 acres. In the event grading on slopes greater than 30% and modification of wetlands setback are required, the applicant shall apply for the appropriate adjustments or a variance for consideration by the appropriate body."; in Exhibit C, paragraph VII.C.1. add the following subparagraph: "c. The intent of the project is supportive of the area's agricultural heritage and provides related agricultural educational opportunities."; and in Exhibit C, paragraph VII.C.2., add the following subparagraph: "g. Restoration of existing degraded land forms: the approval of this project will provide for the enhancement and restoration of scarred landforms due to previous, historical land disturbance activities. It will also restore a riparian/wildlife corridor. "This may entail grading on slopes greater than 30% and the implementation of a continuous riparian enhancement corridor from the upper watershed to the San Luis Creek floodplain, subject to subsequent variance approval. "The Planning Commission acknowledges through review of the specific characteristics of the project that there may be no other feasible methods of establishing the allowable uses on the property without grading on slopes greater than 30%. "It has also been demonstrated that the proposed grading is sensitive to the natural land form of the site and surrounding area and will serve to reclaim an existing historical quarry site."

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and unanimously carried, to take all documents submitted today into the record.

Thereafter, on motion by Commissioner Cooper, seconded by Commissioner Liberto-Blanck, and unanimously carried, to adjourn to Tuesday, November 30, 2004 at 8:45 a.m.

Respectfully submitted,  
Lona Franklin, Secretary  
County Planning Commission